

REMARKS

The present amendment is submitted with a Request for Continued Examination (RCE).

Applicant appreciates the courtesy granted Applicant's attorney during a telephonic interview conducted September 18, 2007. The amendments presented herein are believed to be consistent with the issues and discussed and agreements reached during the interview.

Claims 1-7, 10-12 and 46 stand rejected under 35 U.S.C. 102(b) by U.S. Patent No. 5,342,328 to Grossman (Grossman '328) and claims 9 and 42-44 stand rejected under 35 U.S.C. 103(a) by Grossman '328. It is respectively submitted that the present invention is patentably distinguishable over Grossman '328 and is therefore allowable thereover. For example, Grossman '328 fails to teach or suggest the recited, inter-alia, "said first connector is adapted to releasably couple and sealingly engage said second connector to releasably mount said holder to said housing and to establish fluid communication therebetween" as recited by independent claim 1. Grossman '328 is devoid of this feature. Rather, with Grossman '328, the needle hub 17b is monolithically formed with the housing 11 and, thus, is not releasably mountable to the housing 11. Accordingly, withdrawal of these rejections is respectfully requested. With regard to independent claim 46, Grossman '328 fails to teach or suggest the recited "first mating connector is releasably couplable to the second mating connector to releasably mount the

holder to the housing, and is adapted to establish fluid communication therebetween”. As indicated hereinabove, Grossman ‘328 is devoid of this feature.

Claims 12 and 45 stand rejected under 35 USC 103(a) by Grossman ‘328 in view of EP 1,295,561. It is respectfully submitted that EP ‘561 fails to cure the deficiencies of Grossman ‘328. For example, the combination of EP ‘561 with Grossman ‘328 fails to disclose the recited “said first connector is adapted to releasably couple and sealingly engage said second connector to releasably mount said holder to said housing and to establish fluid communication therebetween” as recited by independent claim 1 from which claims 12 and 45 ultimately depend. Accordingly, withdrawal of this rejection is respectfully requested.

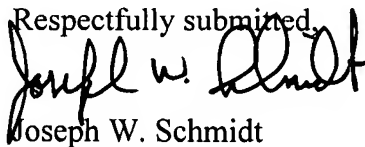
New dependent claims 47-49 ultimately depend from independent claim 1, and, are thus at least patentable for the reasons independent claim 1 is patentable.

New independent claim 50 also recites features to which applicant is believed entitled and is believed to be patentable over the art of record. For example, none of the references discloses, either individually, or in combination, the recited “a base for positioning on a support surface; a housing supported by the base and defining a housing cavity adapted for collection of fluid; a holder defining a holder cavity dimensioned to receive an evacuated tube and being disposed beneath the housing, the holder cavity and the housing cavity being in fluid communication whereby fluid collected within the housing cavity flows via gravity to the holder cavity of the holder;

and an evacuated tube positionable within the holder cavity to collect the fluids flowing through the holder cavity; wherein the base defines a height sufficient to support the housing, the holder and the evacuated tube above the support surface.” The outer wall 13 of the container 11 of Grossman ‘328 is not dimensioned to support stoppered tube 30 above a support surface as required by the claim. EP ‘561 is also devoid of this feature and also fails to disclose a “holder defining a holder cavity dimensioned to receive an evacuated tube and being disposed beneath the housing, the holder cavity and the housing cavity being in fluid communication whereby fluid collected within the housing cavity flows via gravity to the holder cavity of the holder”. The receptacle 16 of EP ‘561 is not beneath the cup 10 and thus can not realize the advantages of gravity flow of the fluids to the evacuated tube 22. Allowance of this claim is earnestly solicited and dependent claims 51-52 depending from independent claim 50 is earnestly solicited.

Each of the pending claims is believed to be allowable over the art of record. Allowance of the claims is earnestly solicited. Should the Examiner believe that a telephone or a personal interview may facilitate resolution of any matters, he/she is respectfully requested to contact Applicant's undersigned representative at the number indicated below.

Respectfully submitted,



Joseph W. Schmidt
Attorney for Applicant(s)
Reg. No. 36, 920

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road, Suite 225
Melville, New York 11747
Telephone: (631) 501 5700
Facsimile: (631) 501 3526
JWS/:td